



**CITY COUNCIL**

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
JANUARY 21, 2003  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Rose Rodriguez, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Absent: Jan Sumrall. Late arrivals: Larry M. Medina and Paul J. Escobar. Meeting was called to order at 9: 09 a.m. and the invocation was given by Fire and Police Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to postpone one (1) week the discussion and action to remove the Illegal/Improper Nonconforming Structure Status issued by Building Services to a homemade 200 square foot sign located at the corner of Raynor and Central and cause compliance with setback requirements. [Joe Solis]  
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**Resolution on Local Authority  
In Trade and Investment Agreements**

**Whereas**, the U.S. Trade Representative (USTR) is negotiating to create a Free Trade Area of the Americas (FTAA) among 34 nations of the Western hemisphere, create bilateral agreements such as the U.S.-Chile agreement, expand the General Agreement on Trade in Services (GATS), interpret the investment chapter of the North American Free Trade Agreement (NAFTA), and potentially to add an investment agreement under the World Trade Organization (WTO).

**Whereas**, all of these international negotiations serve to shift power away from state and local governments by including provisions on investment, procurement and trade in services.

**Whereas**, core functions of state and local government such as protection of ground water and other natural resources, corporate ownership of land, zoning, law enforcement by courts, and sovereign immunity will be undermined by investment agreements which increase foreign investor rights over and beyond the power of the state and local government.

**Whereas**, state and local purchasing preferences including small business, minority and women-owned business, vendors with a competent track record, recycled content, and avoidance of goods made with forced child labor will be limited by procurement agreements which are based on the standard that government purchasing decisions should be limited to price.

**Whereas**, services that are traditionally provided or regulated by cities and states, including water and energy, health facilities, insurance, sewerage, solid waste, construction and alcoholic beverages, must not be “more burdensome to trade than necessary” under agreements on trade in services making it possible for trade panels to rule against public interest laws that are deemed burdensome to trade,

**Whereas**, serious concerns about these agreements have been raised by the National League of Cities, the National Conference of State Legislatures, the National Association of Counties and the National Association of Attorneys General.

**NOW, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**That** Congress and the USTR should preserve the traditional powers of state and local governments as they negotiate and act upon international agreements by:

- ❖ protecting state and local governments' legislature power in the scope of investment, services and procurement agreements, and
- ❖ where such protection has not been achieved, assuring that such international rules do not deviate from traditional deference to state and local regulatory authority, and
- ❖ safeguarding state and local regulation within GATS rules on Domestic Regulation and limiting application of those rules to specific commitments made by countries.

**Be it further resolved**, that the Texas legislature should create a select committee to assess the potential impact of international trade agreements on state and local governments and to keep abreast of negotiations in order to advise the USTR on safeguarding state and local authority.

**And be it further resolved,** that the USTR should not deny state and local officials access to negotiating documents necessary for such officials and their constituents to assess the potential impacts of such negotiations on their legitimate authority.

Mr. Charlie McNabb, Chief Administrative Officer, stated that the Central Labor Union had requested the Resolution be reviewed by the City Attorney's Office.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to postpone one (1) week.

Ms. Rita Rodriguez, City Attorney, expressed that the City Attorney's Office had reviewed the Resolution and found the document language acceptable.

**Representative Sariñana withdrew his second.**

Mr. Michael Wyatt, attorney representing Central Labor Union, explained the Resolution language as placing on record that the City of El Paso was against any international trade agreements that impair the local government from protecting its citizenry and cited instances.

Motion made by Representative Sariñana, seconded by Representative Medina and unanimously carried to approve the above Resolution.

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No action was taken on the Discussion and action on firing Bill Chapman, City's Chief Financial Advisor for:

- a. Mismanagement of City Budget
- b. Trying to set the City's Legislative Agenda by putting on the Legislative Agenda an item requesting the State Legislature to give to the City of El Paso the authority to impose a tax on gas/diesel WITHOUT first obtaining permission of an elected official. He has grossly overstepped his authority and is acting as an elected official. [Theresa Caballero]

Ms. Theresa Caballero, citizen, commented in opposition and requested that Mr. Chapman be terminated.

Mr. Charlie McNabb, Chief Administrative Officer, responded to comments made by Ms. Caballero. He spoke in defense of Mr. Chapman and all the City's staff.

Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, commented on the placement of the item on the City Council Agenda.

Ms. Lisa Turner, citizen, stated that it was counterproductive to ask for a City employee's resignation.

Mayor Raymond C. Caballero and Representative Medina commented.

Mr. Ray Gilbert, citizen, spoke about the recent tax increase and commented on the City's tax surplus in reserves.

Mr. Bernard Panetta, citizen, gave examples of good money management by the City and noted that El Paso was named as one of the top cities for companies/individuals relocation by national magazines.

Ms. Esther Perez, citizen, expressed her opinion regarding individuals speaking at the podium in a rude manner and thanked Mr. Chapman for his service to the City.

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**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase, on behalf of the City of El Paso, the following works, identified further in Exhibit A: (Exhibit "A" on file with this Resolution in the City Clerk's Office).

- 1. Three (3) mixed media and encaustic on paper and board works by John Dunn entitled *mper 1*, *mper 2*, *mper 3* for \$1,600. each (with funds provided by Elaine and Jim Mortensen of El Paso, Texas)

Ms. Becky Duval-Reese, Director of Museums, introduced Dr. and Mrs. Jim Mortensen and explained that the Mortensens donated the funds as part of their 50<sup>th</sup> wedding anniversary.

Dr. Jim Mortensen, citizen, explained that he and his wife were pleased to improve the quality of life in El Paso as supporters of the El Paso Museum of Art.

Mayor Raymond C. Caballero thanked the Mortensen's for their generosity and complimented the Museum of Art.

Motion made by Representative Medina, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

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## RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gift identified further in Exhibit A: (Exhibit "A" on file with this Resolution in the City Clerk's Office).

1. One (1) dollhouse and furnishings and two reproduction images entitled *The Doll House* by Yinka Shonibare offered by Peter Norton and Regina Taylor.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

Motion made by Representative Medina, seconded by Representative Sariñana and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representative Escobar was not present for the vote.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

## RESOLUTION

**APPROVING THE CITY OF EL PASO'S LEGISLATIVE AGENDA FOR THE 78<sup>TH</sup> TEXAS LEGISLATIVE SESSION AND ADOPTING A STATEMENT OF POLICY FOR THE CITY OF EL PASO REGARDING LEGISLATION IN THE 78<sup>TH</sup> TEXAS LEGISLATURE AND ACTIONS BEFORE STATE ADMINISTRATIVE AGENCIES.**

**WHEREAS**, the 78<sup>th</sup> Texas Legislature convenes in January 2003; and

**WHEREAS**, the Legislature and its administrative agencies will consider many measures and actions that affect the City of El Paso; and

**WHEREAS**, it is necessary to provide guidance to City representatives in conducting legislative and administrative efforts and relations with other levels of government.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, OF THE CITY OF EL PASO, TEXAS, THAT THE ATTACHED LEGISLATIVE AGENDA IS ADOPTED AS THE CITY'S LEGISLATIVE AGENDA FOR THE 78<sup>TH</sup> TEXAS LEGISLATIVE SESSION AND THAT THE FOLLOWING ADMINISTRATIVE POLICY BE ADOPTED:**

### **SECTION 1. GENERAL POLICY AND PROCEDURES**

a. The City will support legislation and administrative actions that:

1. Will protect and enhance City revenues.
2. Reduce costs to the City.
3. Provide for more local control.
4. Protect those policies previously established through the Charter, ordinances, resolutions, and master plans.

- b. The City will oppose legislation or administrative actions that:
1. Undermine the principle of home rule and local self-government.
  2. Result in loss of revenue or revenue growth to cities.
  3. Diminish the current authority of cities to regulate and manage their growth and development.
  4. Nullify or undermine the City's policies contained in existing provisions of the Charter, ordinances, resolutions and master plans, unless such changes expand the City's ability to manage its own affairs.
  5. Diminish any existing authority of cities.
  6. Impose mandates that require any expenditure by the City unless all costs of same, including administrative as well as direct out-of-pocket costs, are fully reimbursed by the mandating government.
- c. The City Council authorizes and directs the City Attorney's office to coordinate its legislative program and shall be authorized to interpret on behalf of the City this policy with the necessarily broad policy concerns set forth in this policy.
- d. The legislative or administrative positions herein approved shall be communicated to the legislative delegation, to the Legislature, in general, and to appropriate legislative committees and administrative agencies or to others by the City's legislative lobbyist and state agency consultant, staff persons and members of City Council as coordinated through the City Attorney's office, and others designated by the City Attorney's office.
- e. City Boards, Commissions, and Advisory Groups may not represent in oral testimony or in writing the City's office position on proposed legislation or administrative action unless that position is approved by City Council and coordinated through the City Attorney's office.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution as amended.

Representative Medina questioned the omission of his recommendation to support the Tiguas to regain their casino.

Ms. Rita Rodriguez, City Attorney, explained that she would place a Resolution on next week's City Council Agenda regarding the Tiguas.

Representative Sariñana suggested that in the event the City entered into an Agreement with the Tigua Indians, 3% of the casino revenue be given to the City for street repair.

The following motions were approved together with the Resolution:

Motion made by Representative Cobos, seconded by Representative Sariñana to delete section c of the Resolution.

AYES: Representatives Sariñana and Cobos  
NAYS: Representatives Rodriguez, Medina, Cook, Power and Escobar  
EXCUSED: Representative Sumrall.

Motion to delete failed.

Motion made by Representative Medina to revise section c as follows: "The City Council authorizes and directs the Mayor, Mayor Pro Tem, Deputy Mayor Pro Tem to coordinate its legislative program and shall be authorized to act on behalf of the City consistently with the necessarily broad policy concerns set forth in this policy". There was no second.

Motion made by Representative Cook, seconded by Representative Power and carried to revise Section 1C, General Policy and Procedures on Page #2, of the resolution mentioned above, to read as follows:

- C. The City Council authorizes and directs the City Attorney's office to coordinate its legislative program and shall be authorized to interpret these policies on behalf of the City consistently with the necessarily broad policy concerns set forth in this policy.

AYES: Representatives Rodriguez, Cook, Power, Escobar, Sariñana, and Cobos  
NAYS: Representative Medina.  
EXCUSED: Representative Sumrall

Motion passed.

Ms. Marty Jobe, citizen, expressed her concerns regarding section c and requested that the Council Members delete section c in its entirety.

Representative Medina responded to Ms. Jobe's comments.

Mayor Raymond C. Caballero gave details on how the legislative meetings and the process works.

Representative Cobos added that Council Members' should not give the City Attorney the ultimate decision making authority.

Mr. Charlie McNabb, Chief Administrative Officer, agreed with Representative Cobos' comment and explained that lobbyists need direction from the City regarding matters that affect City issues. He added that the language "authorized to act" was meant to address such an occasion and noted that the City Attorney would best interpret the Council's authorization.

Representative Medina requested that the Mayor be given the authority to act on behalf of the City and in the event the Mayor was not available, the Mayor Pro Tempore and/or the Deputy Mayor Pro Tempore who would seek advice from legal staff.

Representative Power expressed that the City Attorney would act in the best interests of the City.

Representative Cobos moved to delete section c of the Resolution. Representative Sariñana seconded.

Ms. Rita Rodriguez, City Attorney, provided background information pertaining to section c of the Resolution.

Ms. Jobe concurred with Ms. Rodriguez' suggestion that the language within section c of the Resolution be as follows: "interpret this policy for the benefit of the lobbyists".

Representative Cook requested that Representative Power amend his motion to delete and requested the following language be utilized: "to interpret this policy on the behalf of the City" be substituted for the current Resolution language "to act on behalf".

Ms. Theresa Caballero, citizen, concurred with Ms. Jobe's comments; however, requested that there be no compromise on section c. She also requested that all language regarding the City Attorney be deleted from the Resolution and replace that with one of the Council Members as the contact person.

Ms. Lisa Turner, citizen, commented on the need to make swift and efficient decisions during the Legislative sessions and recommended that the City Attorney be appointed.

Mr. Ray Gilbert, citizen, stated that the elected officers should be responsible for section c rather than City staff.

Motion made by Representative Power, seconded by Representative Sariñana and carried to revise bullet #2 under Environmental Issues on the Texas-Mexico Border on the City of El Paso's 2003 Legislative Agenda, Page #7, to read as follows:

Assistance to Ciudad Juarez which may in turn will improve air quality in El Paso, as long as it is not an unfunded mandate.

AYES: Representatives Rodriguez, Cook and Cobos  
NAYS: Representatives Medina, Power and Sariñana  
ABSTAIN: Representative Escobar  
EXCUSED: Representative Sumrall

Mayor Caballero voted AYE to break the tie. Motion passed.

Representative Sariñana stated his opposition for the record.

Representative Medina commented that the City was obligated to assist the less fortunate.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to revise bullet #3 under Environmental Issues on the Texas-Mexico Border on the City of El Paso's 2003 Legislative Agenda, Page #7, to read as follows:

Enhanced funding for environmental monitoring to better understand the nature of the El Paso Del Norte Basin air quality problems.

Mr. Reynoso concurred with Ms. Jobe's comment and noted that the monitoring should be conducted basin wide, not specific to El Paso.

Ms. Jobe requested that the language be restricted to the language outlined by Mr. Jesus Reynoso, El Paso City-County Health District, Environmental Health Manager, and stated that Jobe Concrete Products was not opposed to air quality monitoring.

Ms. Theresa Caballero, representing Affordable Builders Council of the El Paso Builders Association, asked that the Council Members not approve the language proposed by Representative Cook as her client could not build affordable homes and construction workers would lose their jobs.

Mr. Bernard Panetta, citizen, requested that the Council Members protect the citizenry's air quality and promote the use of clean air monitoring devices.

Representative Cobos commented on the air quality issues and monitoring.

Mayor Raymond C. Caballero explained that the Health Department did not have sufficient monitors to monitor the air quality at the bridges, in addition to other areas throughout the City.

Mr. Bill Addington, representing the Sierra Club, requested that air monitors be placed in areas throughout the City, not only at the international bridges.

Mr. Taylor Moore, citizen, commented on the City's air quality and asked that the City place air monitors not only throughout the City but at every possible source of contamination. He asked that the Council Members request as much funding from the legislature as possible so that businesses might consider making El Paso their headquarters.

Support legislation that would authorize cities to implement photographic traffic control systems to enforce civil penalties.

Representatives Cobos and Sariñana asked questions of City staff and made comments.

Ms. Theresa Caballero, citizen, commented on the lack of police officers patrolling the City's streets and asked the Council Members not to approve this matter.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to delete the Resolution that the Mayor be authorized to sign the Second Amendment to the Professional Services Agreement between the City of El Paso and BRACEWELL & PATTERSON, LLP amending the scope of services to include state consulting and lobbying during the 78<sup>th</sup> Texas Legislative Session.

Representative Medina recommended that the City utilize the same lobbyists as the County of El Paso.

**WHEREAS**, the United States Army Corps of Engineers (Corps) and the City of El Paso, Texas, (City) are working together on a stormwater drainage project in the City of El Paso, Texas known as the Lomaland Basin Stormwater Drainage Project (Project); and,

**WHEREAS**, the Church signed a Temporary Construction Easement and Right of Entry on December 12, 2001, authorizing the Corps and the City to install stormwater drainage box culverts on the property; and,



**WHEREAS**, the City is responsible to pay to the Church just compensation for the temporary construction easement and an underground stormwater drainage easement on the Property;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor is hereby authorized, on behalf of the City, to sign an Agreement for Appraisal Services by and between the City of El Paso and Ralph Sellers & Associates for an appraisal to establish the value for property legally described as being a Portion of Tracts 669 to 677, Loma Terrace Addition No. 4-C, City of El Paso, El Paso County, Texas, more particularly shown in Exhibit "A" (Exhibit "A" on file in the City Clerk's Office) attached hereto and incorporated herein by this reference for all purposes.

**\*REVISED RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign and submit a grant application, including all understandings and assurances contained therein, to the Office of the Governor, Criminal Justice Division for Violence Against Women Act (VAWA) grant funds in the revised amount of \$75,072.00 to pay for personnel and related costs to continue the Domestic Abuse Response Team of the El Paso Police Department. Matching funds required in the amount of \$62,899.00. The Grant Officials will be as named within the application.

That the El Paso City Council agrees in the event of loss or misuse of Violence Against Women Act Grant funds, the funds will be returned to the Office of the Governor, Criminal Justice Division, in full.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Cost Reimbursement Agreement between the City of El Paso and the Federal Bureau of Investigation (FBI) relating to a special joint law enforcement task force from October 1, 2002 through September 30, 2003, whereby the FBI will reimburse the City for certain overtime personnel costs incurred during the operation.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso and the Federal Bureau of Investigation (FBI) relating to a special joint law enforcement task force from October 1, 2002 through September 30, 2003, whereby the Police Department will assign one officer to work with the FBI's task force.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**RESOLUTION**

That the Mayor be authorized to sign the First Amendment to the Professional Services Agreement between the City of El Paso and Pinnacle Consulting Management Group, Inc. amending the scope of services to include acquisition of additional parcels in connection with Lee Boulevard Right of Way Acquisition - TIP Roadway Construction Project and approve any necessary budget transfers to cover this Amendment.

Representative Power asked questions of Ms. Rita Rodriguez, City Attorney, and stated for the record that \$30,000.00 would be expended and that these parcels were not included in the original scope.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

**WHEREAS**, in conjunction with the City of El Paso's "Olive Street & Drainage Improvement" project a storm sewer line easement is required across property currently owned and operated by the Housing Authority of the City of El Paso, so as to allow for property storm water drainage; and

**WHEREAS**, the Housing Authority of the City of El Paso desires to convey the storm water easement to the City of El Paso as requested;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The Mayor is hereby authorized to sign an Agreement granting a storm water easement to the City of El Paso and any related documentation. Said easement being located on Housing Authority of El Paso property on San Antonio Street, El Paso, El Paso County, Texas.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **Frank X. Spencer & Associates, Inc.**, for a project known as "**George Orr Road Street & Drainage Improvements**" in an amount not to exceed ONE HUNDRED ELEVEN THOUSAND ONE HUNDRED SEVENTEEN AND 00/100 DOLLARS (\$111,117.00).

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **Aguilar & Mesta, Inc., d/b/a Perspectiva**, for a project known as "**Lower Valley Branch Library**," in an amount not to exceed TWO HUNDRED EIGHTY-FIVE THOUSAND and NO/100 DOLLARS (\$285,000.00).

Representative Sariñana made comments regarding the Lower Valley Branch Library.

Mr. Eugenio Mesta, representing Perspectiva and a member of the BZAC, stated the firm was anxious to begin the design phase of the project.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **TRC Corporation**, for a project known as **"221 Zaragosa Access Road Improvements"** in an amount not to exceed TWENTY-SEVEN THOUSAND SIX HUNDRED SEVENTY-EIGHT AND 00/100 DOLLARS (\$27,678.00).

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **City of El Paso** and **CEA Engineering Group Inc.**, for a project known as **"Fire Station No. 4 and 17 Improvements"** for an amount not to exceed TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00).

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JOSEPH R. VARGAS** to assist the El Paso Water Utilities as a Computer Operator II for 40 hours per week at an annual rate of \$25,574.00. The term of the contract shall be for the period of January 22, 2003 through January 21, 2005.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Texas Book Festival Grant Application and related documents for the Ysleta Library Branch of the El Paso Public Library System totaling \$2,500. The funds will be used to purchase Native American Heritage materials for the Ysleta Library Branch. No matching funds required.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Texas Book Festival (TBF) grant application and related documents for the Main Library, Border Heritage Collection, of the El Paso Public Library System. The total amount of the Grant Application is \$2,500. The funds will be used to supplement the El Paso Public Library Border Heritage Collection with books, manuscripts, documents, photographs and realia. No matching funds are required.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Texas Book Festival (TBF) grant application and related documents for the El Paso Public Library for the Northwest Community Library. The total amount of the Grant Application is \$2,500. The funds will be used for the purchase of children's books for the Community Library to be established by a partnership between the El Paso Public Library and the El Paso Community College, at the Northwest Campus. No matching funds are required.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso Museum of Art be authorized to serve wine at One Arts Festival Plaza at the reception unveiling of three paintings by artist John Dunn donated by Mr. and Mrs. Jim Mortensen on the evening of January 26, 2003.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art.

Event: Meeting  
Licensee: El Paso Collaborative for Community and Economic Development  
Date: January 30, 2003  
Time: 8:30 a.m. - 5:30 p.m.  
Charge for Space: \$400.00  
Insurance: \$40.00  
Area(s): Executive Dining Room

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Consent to Assignment from ADECCO EMPLOYMENT SERVICES to ADECCO USA, INC. with respect to the City of El Paso's Contract Number 2001-142C to provide Temporary/Human Resources to various City of El Paso Departments.

\*Motion made, seconded and unanimously carried to approve the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. De Leon Jaime – Fire Medical Service EMT-Basic
- B. Torres Miguel – Fire Suppression Technician
- C. Martinez Robert – Maintenance Mechanic I

\*Motion made, seconded and unanimously carried to appoint Kevin von Finger to the Flood Damage Prevention Board of Appeals by Representative Anthony Cobos.

\*Motion made, seconded and unanimously carried to appoint Larry Alan Pridgeon to fill an unexpired term to the Parks & Recreation Advisory Board by Representative Daniel Power.

\*Motion made, seconded and unanimously carried to delete the request that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign the payment agreements on behalf of the City:

- A. Bordertown Motors % Maria A. Cuevas in the amount of \$767.84, overpayment of 1999 taxes. (PID #1994-999-2803-0034)
- B. Hilda O. & Samuel Castillo in the amount of \$3,574.09, overpayment of 2002 taxes. (PID #A462-999-0940-0100)
- C. Felipe Acuna, Jr. in the amount of \$1,456.49, overpayment of 2002 taxes. (PID #A700-999-0010-1900)

- D. Stewart Title in the amount of \$512.65, overpayment of 2001 taxes.  
(PID #C726-000-0190-1500)
- E. Lawyers Title of El Paso, Inc. in the amount of \$1,664.13, overpayment of 2002 taxes.  
(PID #C809-999-0080-2400)
- F. Jose Francisco Rodriguez in the amount of \$1,412.19, overpayment of 2002 taxes.  
(PID #E054-999-0050-1100)
- G. Jesus L. & Marina L. Jaime in the amount of \$1,154.96, overpayment of 2002 taxes.  
(PID #G710-999-0030-1900)
- H. Daniel Mascorro in the amount of \$1,217.84, overpayment of 2002 taxes.  
(PID #L547-999-001C-4500)
- I. Bank of the West Trustee of the Jack Duke Trust in the amount of \$622.03, overpayment of 2002 taxes. (PID #M056-999-0050-6700)
- J. Lawyers Title in the amount of \$2,266.97, overpayment of 2002 taxes.  
(PID #P654-999-1190-1300)
- K. Jose H. & Teresa A. Peraza in the amount of \$1,754.03, overpayment of 2002 taxes.  
(PID #S127-999-0290-4100)
- L. Sierra Title in the amount of \$2,455.05, overpayment of 2002 taxes.  
(PID #S380-999-0090-2000)
- M. Stewart Title Company in the amount of \$1,058.82, overpayment of 2002 taxes.  
(PID #S804-999-0110-7300)
- N. Countrywide Tax Services Corporation in the amount of \$563.18, overpayment of 2001 taxes.  
(PID #S912-999-001K-3750)
- O. Monico & Juana Galindo in the amount of \$1,680.99, overpayment of 2002 taxes.  
(PID #T885-999-0020-0300)
- P. Countrywide Tax Services Corporation in the amount of \$516.28, overpayment of 2001 taxes.  
(PID #V893-999-2580-4000)
- Q. Government Employees Credit Union of El Paso in the amount of \$2,005.12, overpayment of 2002 taxes. (PID #V893-999-4690-3600)
- R. Lawyers Title in the amount of \$2,122.96, overpayment of 2002 taxes.  
(PID #V893-999-5110-0400)
- S. Bank of America in the amount of \$600.04, overpayment of 2002 taxes.  
(PID #V897-999-0310-2700)
- T. First American Title Company in the amount of \$5,543.40, overpayment of 2002 taxes.  
(PID #V897-999-0340-1200)
- U. Sierra Title Company in the amount of \$2,074.89, overpayment of 2002 taxes.  
(PID #V897-999-0690-1100)
- V. Wells Fargo Real Estate Tax Services, LLC in the amount of \$1,883.71, overpayment of 2001 taxes. (PID #W145-999-0250-1500)
- W. Yolanda O. & Salvador Sanchez in the amount of \$2,289.98, overpayment of 2002 taxes.  
(PID #C518-999-1100-0500)
- X. John G. Testament in the amount of \$4,050.00, overpayment of 2002 taxes.  
(PID #N425-999-0340-3000)

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 \*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the agreement for one (1) additional year, from February 11, 2003 through February 10, 2004, pursuant to the provisions of contract 2002-050 Traffic Signals Components, with Traffic Parts, Inc., Conroe, Texas.

Option No.: One of One  
 Amount of award: \$28,700.00 (estimated annually)  
 Funds available: 32010288-01101-503203  
 Funding source: General Funds – Maintenance/Repairs  
 Department: Street

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Department: Police  
 Funds available: 21150048-503109-G210223-05335;/  
 21150070-503109-P500238-16415  
 21150060-503009-P500231-16371;/  
 21010062-503109-01101;/  
 21010069-503109-01101  
 Funding source: LLEBG Equip & Technology FY02;  
 Continuing Education Training; Federal  
 Confiscated Funds; and General Funds  
 Total award: \$103,740.59

The Police and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase less lethal munitions. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within three hundred sixty five (365) days from the date of award of the contract. No prompt payment discount is offered.

.....  
 \*Motion made, seconded and unanimously carried to award Bid No. 2003-051 T-Shirts, Shorts and Caps

Award to: Vendor 1: Bazaar Uniforms and Men's Store  
 El Paso, TX  
 Item (s): Group I  
 Amount: \$6,000.00 (estimated annually)

Award to: Vendor 2: Rubber Ducky Screenprinting  
 El Paso, TX  
 Item (s): Group II and III  
 Amount: \$4,000.00 (estimated annually)

Department: Parks and Recreation  
 Funds available: 51150056/G7128CD0005/10031-503116  
 51010281/P500203/16303-503120  
 Funding source: CD Block Grants & Parks & Recreation User Fees  
 Total award: \$10,000.00

The Parks and Recreation and Purchasing Departments recommend award as indicted to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1 and #2 offer the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year form the date of the award.

This is a Requirements Type Contract with an initial of Twelve (12) months.

.....  
 Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2003-056 Irrigation Equipment & Supplies.

Mr. Ray Gilbert, citizen, questioned the funding source.

Mr. Byron Johnson, Director of Purchasing, provided explanation.

Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to award Bid No. 2003-056 Irrigation Equipment & Supplies

Award to: Vendor 1: B & C Turf Equipment Co., Inc.  
El Paso, TX  
Item (s): 2, 4, 5, 8, thru 18, 21, 24, 26, 28, and 32  
Amount: \$100,000.00 (estimated annually)

Award to: Vendor 2: Ewing Irrigation  
El Paso, TX  
Items: 1, 3, 6, 7, 17, 20, 25, 27  
Amount: \$25,000.00 (estimated annually)

Department: Parks and Recreation  
Funds available: 51010262-503202  
Funding source: 01101  
Total award: \$125,000.00

The Parks and Recreation and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within either one (1) or two (2) years from the date of the award.

Vendor #2 offers the City a prompt payment discount of 2% 10 days.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

NOTE: Bid No. 2003-056 (Irrigation Equipment and Supplies) and Bid No. 2003-062 (Used Program Cars) were taken together.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2003-062 Used Program Cars.

See discussion on previous item regarding Bid No. 2003-056 (Irrigation Equipment and Supplies).

Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to award Bid No. 2003-062 Used Program Cars

Award to: Vendor 1: Sisbarro Buick, Pontiac and GMC  
Las Cruces, NM  
Item (s): 1  
Amount: \$303,800.00

Award to: Vendor 2: Casa Ford  
El Paso, TX  
Item (s): 2 and 3  
Amount: \$30,000.00

Award to: Vendor 3: Enterprise Leasing Co. – West  
Las Vegas, NV  
Item (s): 4  
Amount: \$51,000.00



Department: Police  
 Funds available: 508006-27260-04252003-PMB0004130  
 Funding source: FY03 City Capital Equipment  
 Total award: \$384,800.00

The Fleet Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase Used Program Cars. Vendor No. 1 offers an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days from the date of award of the contract. Vendor No. 2 offers an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) and/or one hundred eighty (180) days from the date of award of the contract. Vendor No. 3 offers no option to purchase additional quantities. No prompt payment discounts are offered.

NOTE: Bid No. 2003-056 (Irrigation Equipment and Supplies) and Bid No. 2003-062 (Used Program Cars) were taken together.

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-291 LIBRARY

The Library requests an increase of allocations within the Library's Restricted Fund. This increase is needed in order to purchase library books and materials needed to create Children "Curriculum Theme Kits" for teachers and caregivers to check out.

Increase	\$3,300	to	53153053/15454/407002	Est Rev
Increase	\$ 800	to	53153053/15454/503116	Rec Sup
Increase	\$2,500	to	53153053/15454/508039	Lib Bks Hardbacks

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-296 NON-DEPARTMENTAL

To establish appropriations necessary to fund translator position to assist in needed aspects of translation from English to Spanish on City's Website and various other activities.

Decrease	\$32,692	from	99010273/01101/504405	Op Contingency
Increase	\$27,200	to	09010027/01101/501011	PT Temp
Increase	\$ 102	to	09010027/01101/501100	Wrkers Comp Civil
Increase	\$ 966	to	09010027/01101/501108	POS City Employee
Increase	\$ 25	to	09010027/01101/501114	Life Insurance Civ
Increase	\$ 2,547	to	09010027/01101/501124	City Pension Contr
Increase	\$ 1,495	to	09010027/01101/501129	FICA City Civil
Increase	\$ 357	to	09010027/01101/501130	FICA Med City Civil

.....  
 \*Motion made, seconded and unanimously carried to approve the request of Annunciation House, Inc., to hold a procession/march on February 1, 2003 from 2:30 p.m. to 6:30 p.m. Route: Start at 602 S. Oregon St. and proceed on S. Oregon to Fr. Rahm St. turning west on Fr. Rahm St. to Santa Fe St., turning south on Santa Fe St. to Calleros St., turning west on Calleros St. to Chihuahua St., and turning south on Chihuahua St. Approximate 800 persons will take part. This request includes permission to use amplification (a bull horn or a battery operated with one microphone). PERMIT NO. 03-003  
 [Ruben L. Garcia]

.....

**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-02019, FOR A PORTION OF LOT 1, BLOCK 1, I-10 COMMERCIAL, EL PASO, EL PASO COUNTY, TEXAS (END OF ESCOBAR DRIVE), PURSUANT TO A ZONING CONDITION IMPOSED BY ORDINANCE NO. 13893. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

WHEREAS, **Mesilla Valley Transportation** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a zoning condition to permit the construction and development of storage and the repair of tractors, trailers and heavy trucks;

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. Pursuant to the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicant to permit the construction and development of storage and the repair of tractors, trailers and heavy trucks on the following described property, which is located in a **C-4/c (Commercial/conditions)** District:

*A portion of Lot 1, Block 1, I-10 COMMERCIAL, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A". (Exhibit "A" on file with this Resolution in the City Clerk's Office)*

A copy of the approved detailed site development plan, signed by the Applicant, the Mayor and the Secretary of the City Plan Commission, is attached hereto as Exhibit "B" (Exhibit "B" on file with this Resolution in the City Clerk's Office) and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-4/c (Commercial/conditions)** District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-4/c (Commercial/conditions)** District regulations. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Ms. Patricia D. Adauto, Director of Planning, Research and Development, explained that the property required a Subdivision Plat and Detailed Site Development Plan as conditions to the zoning change request conducted December, 1998, and noted that the proposed use was for storage and repair of tractors, trailers and heavy trucks. She added that there was no opposition to the Detailed Site Development Plan and was in conformance with all City requirements.

Mr. Ed Songy, Blair Hall Company, was available for questioning by the Council Members.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

Representative Escobar was not present for the vote.

.....  
\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 819 Bolivia Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Joe Crnkovich and Myrtle C. Crnkovich, 819 Bolivia Street, El Paso, Texas 79903, have been notified of the violations at this property. The property located at 819 Bolivia has due taxes in the amount of \$4,979.52.

.....  
\*Motion made, seconded and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 2322 Silver Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Ruben Anguiano, 2330 Montana Avenue, El Paso, Texas 79903, have been notified of the violations at this property. Taxes due in the amount of \$3,714.25.

.....  
Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to reject Bid No. 2002-232 Asbestos Abatement Services as recommended by the Purchasing Department and Municipal Services Department.

This requirement will be reviewed by the user department. A new request for bids will be revised and will be issued at a later time.

Representative Escobar was not present for the vote.

Representatives Medina and Cook requested information from Mr. Byron Johnson, Director of Purchasing.

Mr. Johnson explained that the Municipal Services Department requested that the specifications be revised and added that the submitted bids had expired due to the issues pertaining to the specifications.

.....  
Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to delete the discussion and action on City Council's continued support of Channel 44 remaining on Time Warner's cable basic service line.

Representative Escobar was not present for the vote.

Representative Medina expressed his opposition to deleting the item.

Representative Sariñana commented that the contract specifically addressed the franchise fee and did not address the City entering into negotiations with Time Warner.

Motion made by Representative Medina, seconded by Representative Cobos and carried to reconsider the item.

- |              |   |
|--------------|---|
| AYES:        | Representatives Medina and Cobos                    |
| NAYS:        | Representatives Rodriguez, Cook, Power and Sariñana |
| EXCUSED:     | Representative Sumrall                              |
| NOT PRESENT: | Representative Escobar                              |

Motion to reconsider failed, motion to deleted stands.

.....

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to refer to Legislative Review Committee Meeting of the Whole the discussion and action on Charter Amendments.

Ms. Rita Rodriguez, City Attorney, commented on possible election dates and reiterated that Charter Amendments could be taken to the voters every two years. She provided further legal advice.

Representative Cook requested that the Council Members forward their ideas regarding the Charter Amendments to Ms. Rodriguez.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the Legal Department had provided the Council Members a suggestion from the Model City Charter; however, the Council Members had not brought their ideas forward.

Representative Cobos questioned whether or not a transition period would be applicable in the event the voters approved the City Manager form of government.

Mayor Raymond C. Caballero noted that he had proposed a Charter Election in February, 2003.

Representative Sariñana commented on salary increases for the Mayor and Council Members, longer terms in office, proposed Civil Service Commission changes and the City Manager form of government.

Ms. Theresa Caballero, citizen, suggested that the Council Members' names be attached to any proposed Charter Amendment.

Mr. Ray Gilbert, citizen, commented on the City issuing Certificates of Obligation without voter approval and noted that as per the City Charter, the fiscal year began October 1<sup>st</sup>, not September 1<sup>st</sup>.

.....  
Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to refer any future federal and state legislative agenda items for the City of El Paso to the Legislative Review Committee Meetings of the Whole and to instruct staff to set the dates for the meetings.

Representative Power stated that it would be advantageous to create a Legislative Review Committee to address State and Federal Legislative Agendas so that Council Members and the public can get involved at an earlier stage.

Representative Cook suggested meetings be scheduled as Legislative Review Committee of the Whole and Special meetings in case a quorum of Council Members attends the meetings.

Representative Medina recommended that the Legislative Review Committee of the Whole address the State and Federal Agendas months before the Texas Legislature convene.

Representative Power requested that the meeting dates of the Legislative Review Committee of the Whole meetings be established and withdrew his previous motion. He then moved to establish Legislative Review Committee of the Whole meetings to discuss the State and Federal Agendas. Representative Cobos seconded.

Representative Medina recommended that meetings be held four months prior to each State and Federal Legislatures convene.

Representative Rodriguez requested that Representative Power amend his motion to convene the Legislative Review Committee of the Whole meeting prior to the adoption of the City's budget.

Representative Medina suggested that a Legislative Review Committee of the Whole addressing the State and Federal Agendas for the City be included in the Budget Hearing meetings for the City Departments.

Ms. Rodriguez explained that it would be advantageous to establish a Legislative Review Committee for State and Federal Agendas so that the committee might address the issues prior to bringing their recommendations to Council Members for approval.

.....  
Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance granting a Special Privilege to Ho Yun Lee to permit temporary sidewalk vending within a portion of public right-of-way located at 810 South El Paso Street from February 5, 2003 through July 3, 2003. (Fee: \$40.55, SP-02003)

**PUBLIC HEARING WILL BE HELD FEBRUARY 4, 2003 FOR ITEM A**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the Introduction of an Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.08 (Building Code) by amending Section 18.08.050 (Section 501.2 Amended – Premises Identification), to modify the requirements for building numbering, the penalty being as provided in Section 18.02.107 of the Code.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the Introduction of an Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.5 (Existing Buildings), to modify the requirements for compliance with the technical codes related to the repair, alteration, renovation or rehabilitation of existing buildings. The penalty being as provided in Section 18.04.107 of the Code.

.....  
\*Motion made, seconded and unanimously carried to postpone four (4) weeks the Introduction of an Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.103.3 (Examination of Documents), Section 18.02.103.7 (Fees) and Section 18.02.108 (Inspections) to provide for the review of permit documents and the performance of inspections by approved third party companies. The penalty being as proved in Section 18.04.107 of the Code.

.....  
**ADDITION TO THE AGENDA**

No action was taken on the discussion and action on changing City Procedures that cause unnecessary environmental damage and worsen air quality. [Matthew Carroll]

Mr. Matthew Carroll, citizen, read from a prepared statement which pertained to environmental and air quality issues and made suggestions.

Mayor Raymond C. Caballero suggested Mr. Carroll meet with City staff and share his suggestions with them.

.....  
\*Motion made, seconded and unanimously carried to excuse Representative Jan Sumrall from the Regular City Council Meeting of January 21, 2003.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

The Mayor is hereby authorized to sign an agreement with the El Paso Electric Company to provide for electric service to the Northwest Service Center, located at 4096 Doniphan, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 277/480 volt, three phase, four wire. A 300 KVA padmounted transformer will be installed to service the electrical load; and that the Mayor is also hereby authorized to sign any related documentation.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

The Mayor is hereby authorized to sign an agreement with the El Paso Electric Company to provide for electric service to the Nations Tobin Community Center located at 8831 Railroad Drive, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 277/480 volt, three phase, four wire. A 300 and a 75 KVA padmounted transformer will be installed to service the electrical load; and that the Mayor is also hereby authorized to sign any related documentation.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Grant Agreement, including all understandings and assurances contained therein, between the City of El Paso, Texas (City) and the Texas Forest Service (TFS), a member of the Texas A & M University System, for grant funds in the amount of \$20,000.00 to pay for establishing a professional Arborist position with the City. The City is responsible for matching funds or in-kind contributions in the amount of \$20,000.00.

Section 1: That the City Council hereby authorizes the Streets Director to execute all agreements associated with the "Urban and Community Forestry Program" Grant with the Texas Forest Service.

Section 2: That the City Council commits to providing its share of the project costs through "in-kind" services as described in the grant application.

Section 3: That the City Council endorses and permits the planting of trees on public property under their jurisdiction in the City of El Paso County Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **MARINA GUTIERREZ** to decrease the hourly amount of compensation from \$7.50 per hour to \$7.25 per hour.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to set a public hearing to be held on February 4, 2003 to discuss a draft ordinance regarding the proposed restriction of through traffic on Interstate Highway 10, by vehicle class. The proposed ordinance would restrict large trucks from usage of the left lane of portions of Interstate Highway 10, pursuant to and in accordance with Texas Transportation Code Section 545.0651. The proposed ordinance would restrict truck traffic to the two farthest right lanes of Interstate Highway 10, from Mesa Street (milepost 11.2) to Zaragoza (milepost 32), in both directions. This restriction would be in effect from 6:00 a.m. to 8:00 p.m., each working day, excluding holidays recognized by the City of El Paso.

Ms. Lisa Turner, citizen, requested that big vehicles utilize only the middle lane of the Interstate.

Mr. Ray Gilbert, citizen, commented on the public hearing date.

Mr. Ted Marquez, Engineering Department-Traffic Division, stated that the Ordinance would be applicable where the Interstate consists of three lanes only and answered questions from and responded to comments made by the Council Members.

Representatives Escobar and Sariñana asked questions of City staff and/or made comments.

Mayor Joe Wardy commented on the traffic conditions on the Interstate and future possible relief.

.....  
\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Bordertown Motors % Maria A. Cuevas in the amount of \$767.84, overpayment of 1999 taxes.  
(PID #1994-999-2803-0034)
- B. Hilda O. & Samuel Castillo in the amount of \$3,574.09, overpayment of 2002 taxes.  
(PID #A462-999-0940-0100)
- C. Felipe Acuna, Jr. in the amount of \$1,456.49, overpayment of 2002 taxes.  
(PID #A700-999-0010-1900)
- D. Stewart Title in the amount of \$512.65, overpayment of 2001 taxes.  
(PID #C726-000-0190-1500)
- E. Lawyers Title of El Paso, Inc. in the amount of \$1,664.13, overpayment of 2002 taxes.  
(PID #C809-999-0080-2400)
- F. Jose Francisco Rodriguez in the amount of \$1,412.19, overpayment of 2002 taxes.  
(PID #E054-999-0050-1100)
- G. Jesus L. & Marina L. Jaime in the amount of \$1,154.96, overpayment of 2002 taxes.  
(PID #G710-999-0030-1900)
- H. Daniel Mascorro in the amount of \$1,217.84, overpayment of 2002 taxes.  
(PID #L547-999-001C-4500)
- I. Bank of the West Trustee of the Jack Duke Trust in the amount of \$622.03, overpayment of 2002 taxes. (PID #M056-999-0050-6700)
- J. Lawyers Title in the amount of \$2,266.97, overpayment of 2002 taxes.  
(PID #P654-999-1190-1300)
- K. Jose H. & Teresa A. Peraza in the amount of \$1,754.03, overpayment of 2002 taxes.  
(PID #S127-999-0290-4100)
- L. Sierra Title in the amount of \$2,455.05, overpayment of 2002 taxes.  
(PID #S380-999-0090-2000)
- M. Stewart Title Company in the amount of \$1,058.82, overpayment of 2002 taxes.  
(PID #S804-999-0110-7300)
- N. Countrywide Tax Services Corporation in the amount of \$563.18, overpayment of 2001 taxes.  
(PID #S912-999-001K-3750)
- O. Monico & Juana Galindo in the amount of \$1,680.99, overpayment of 2002 taxes.  
(PID #T885-999-0020-0300)
- P. Countrywide Tax Services Corporation in the amount of \$516.28, overpayment of 2001 taxes.  
(PID #V893-999-2580-4000)
- Q. Government Employees Credit Union of El Paso in the amount of \$2,005.12, overpayment of 2002 taxes. (PID #V893-999-4690-3600)
- R. Lawyers Title in the amount of \$2,122.96, overpayment of 2002 taxes.  
(PID #V893-999-5110-0400)
- S. Bank of America in the amount of \$600.04, overpayment of 2002 taxes.  
(PID #V897-999-0310-2700)

- T. First American Title Company in the amount of \$5,543.40, overpayment of 2002 taxes.  
(PID #V897-999-0340-1200)
- U. Sierra Title Company in the amount of \$2,074.89, overpayment of 2002 taxes.  
(PID #V897-999-0690-1100)
- V. Wells Fargo Real Estate Tax Services, LLC in the amount of \$1,883.71, overpayment of 2001 taxes. (PID #W145-999-0250-1500)
- W. Yolanda O. & Salvador Sanchez in the amount of \$2,289.98, overpayment of 2002 taxes.  
(PID #C518-999-1100-0500)
- X. John G. Testament in the amount of \$4,050.00, overpayment of 2002 taxes.  
(PID #N425-999-0340-3000)

.....  
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:25 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Discussion and action on the following:

- A. Kimberly Heights Subdivision (551.071)
- B. Cotton Street Relocation Facility, 03-C-010 (551.071)

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn the Executive Session at 12:35 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

.....  
Motion made by Representative Medina, seconded by Representative Power and unanimously carried that the City Council authorize the City Attorney to enter into settlement agreements with property owners who are encroaching onto City right of way, and authorize the Mayor to sign all settlement documents, as recommended by the City Attorney.

Representative Cobos was not present for the vote.

.....  
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City Attorney be authorized to negotiate a settlement in claim 03-C-010, Cotton Street Relocation Facility.

Representative Cobos was not present for the vote.

.....  
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 12:35 p.m.  
.....

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk